

**TESTIMONY OF RICHARD J. HIRN,
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**BEFORE THE
ENVIRONMENT, TECHNOLOGY AND STANDARDS SUBCOMMITTEE
OF THE HOUSE COMMITTEE ON SCIENCE
ON THE NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION ACT
H.R. 4546 AND H.R. 4607**

JULY 15, 2004

Mr. Chairman and Members of the Committee, thank you for inviting the National Weather Service Employees Organization to present its views on the two versions of the NOAA Organic Act that are pending before this Committee.

Our Organization, as you may know, is the professional association and labor organization that represents not only the employees of the National Weather Service nationwide, but hundreds of other employees throughout NOAA, such as those employed by NESDIS who track and command the nation's weather satellites at Wallops Island, Virginia; the civilian crews who maintain and fly the hurricane tracking planes from NOAA's Aircraft Operations Center at MacDill AFB; the research scientists at OAR's Atlantic Oceanographic and Meteorological Laboratory on Key Biscayne, as well as the attorneys in NOAA's Office of General Counsel and five Regional Counsel Offices who enforce many of the nation's most important environmental laws.

The Proposed Restructuring of NOAA

The employees of NOAA believe that the most pressing problem facing NOAA is not its organizational structure, but the failure of successive Administrations and Congresses to adequately fund NOAA's important missions.

For example, funding for hurricane research at the AOML Lab has been at an almost constant level for over 20 years. The Lab's Hurricane Research Division has lost a third of its FTE positions over the last decade; has reduced travel to scientific meetings; has failed to upgrade its computer equipment until it is either obsolete or broken; and has limited the amount of research flying in the NOAA aircraft. The reduction in staff and inability to hire has also resulted in missed opportunities to advance the science of hurricane forecasting. A

critical current need, for example, is qualified scientific and support staff to help assimilate the valuable data collected in hurricanes by both NOAA and the Air Force into the next-generation computer models. AOML has only one person who has some expertise in this area, yet the problem is so complex that a team of 5-10 people should be working on this problem right now.

Last year, employees from the Hurricane Research Division flew into Hurricane Isabel extensively and provided real-time information to forecasters who, in turn, made remarkably accurate forecasts for the storm. Ironically, though, if it were not for the Office of Naval Research, which supported AOML's field program last year (and will again this year), and for the generosity of the Air Force Reserve who donated some of its older GPS dropsondes (because AOML could not afford enough of its own), the critical data that was transmitted to the NWS and the rest of the world would not have been obtained. The scientists at AOML are discovering new features, in the high wind eye-wall region of hurricanes, from those flights into Isabel that will have important implications for understanding and predicting the wind fields in intense hurricanes in the future. Again, if AOML had to rely on NOAA funding alone, these discoveries would not yet have been realized.

The House Appropriations Committee recommended, and the House last week approved, funding for the NWS which the Committee claimed represented the Administration's full request for FY 05. Regrettably, the amount approved actually fell short by nearly \$10 million. The amount requested by the Administration did nothing to resolve the accumulated \$19 million shortfall in the appropriations for local forecasts and warnings which have never fully funded mandated pay raises. As a result, the NWS is already planning to slow the pace of applying new science and technology into local forecasting, which will jeopardize the NWS' goals for improving tornado, flash flood and winter storm warnings.

Simply changing the organizational structure of NOAA is not going to solve critical funding needs - but it might exacerbate the problem. To the extent that organizational lines are blurred, there will be less transparency and accountability to the public and Congress for where scarce Federal dollars are spent. For many years, Administrations of both parties have raided the appropriations for the National Weather Service to fund other programs or projects which Congress has regarded as a lesser priority. While most of NOAA's mission is important to the nation's long-term welfare and prosperity, the mission of the National Weather Service is *critical* to the *immediate* safety of the American public. In order to prevent NOAA from reallocating funding from the National Weather Service to other entities, the FY 04 omnibus appropriations measure prohibited NOAA from taxing the NWS and other line components to support other programs. Similar language has been included in the NOAA section of the CJS Appropriations the House passed last week.

Consequently, NWSEO strongly supports the distinct and separate legislative grant of authority in section 105 of H.R. 4546 that creates the National Weather Service and defines its mission. NWSEO does not support H.R. 4607, introduced on behalf of the Administration, because it lacks separate legislative authority for the National Weather Service.

H.R. 4607 furthers a disturbing trend NWSEO has noticed from NOAA - an apparent attempt to phase out the National Weather Service as a distinct entity. For example, NOAA has informally renamed the National Weather Service as “NOAA’s National Weather Service” on its web pages, in its publications and on official correspondence emanating from the National Weather Service. NOAA now calls the National Weather Service’s Aviation Weather Center, Ocean Prediction Center, River Forecast Centers, and even the Hurricane Center the “*NOAA* Aviation Weather Center,” “the *NOAA* Ocean Prediction Center,” “*NOAA* River Forecast Centers” and the “*NOAA* Hurricane Center.” The NWS is replacing its own logo with NOAA’s seagull logo on its buildings and in its television presentations.

The National Weather Service’s loss of identity will have a negative impact on public safety. As NWS forecasts, warnings and other communications to the public are increasingly identified as emanating from NOAA, the public will grow confused about the reliability and authoritative nature of these forecasts and warnings. Frankly, few Americans yet know what NOAA is and will not understand that the source of the warnings and forecasts is the National Weather Service. A large segment of the public is already confused about the difference between forecasts and warnings issued by the government versus those from the private sector, and which ones should be relied upon when they conflict.

We have reviewed the Preliminary Report of the U.S. Commission on Ocean Policy and its recommendation that NOAA be restructured by combining existing line agencies into broader categories - “assessment, prediction, and operations,” “management” and “research and education.” The Commission believes that this new structure would further “ecosystem-based management.” This recommendation was apparently made without considering the role of the National Weather Service, which does not manage natural resources, but is responsible for protecting the lives of Americans every day.

We agree with the Commission that “research efforts should be planned to support the agency’s management missions.” In the case of AOML, the decisions about what research is conducted are often made based on what outside grants are availability, rather than on tailoring the research to the agency’s mission. Changing the structure of NOAA will not solve this problem, only sufficient funding will.

NOAA employees believe that the second biggest problem at NOAA is that many decisions in resource management are driven not by science, but by politics. For example,

many members of the Fisheries Management Councils are industry representatives who have a conflict of interest. When the leadership of the NMFS must decide between the councils' recommendations and the best science, its decisions are often influenced by political pressures from members of Congress and the governors, rather than by science alone. Similarly, political pressure often overrides science when NOAA leadership makes decisions with respect to its consultative role under the Endangered Species Act, such as how much power may be generated by hydro-electrical plants on the Columbia River. The Commission on Oceans recognized that "resource management decisions should be based on the best available science" and we agree. However, restructuring NOAA will do nothing to ensure that science, not politics, guides NOAA's decision making.

Although the creation of a separate research and education branch of NOAA distinct from its operational side has a surface appeal, the consolidation of research and education into one place may in fact result in reduced research and education. For example, the operational forecasters who staff the NWS' 122 local Weather Forecast Offices regularly engage in research and publications based on their operational forecasting experience, and engage in community outreach efforts and speaking engagements to educate the public about weather, in addition to issuing warnings and forecasts on a daily basis. Each forecast office has a "Warning Coordination Meteorologist" whose responsibility it is to develop and implement a public relations program in his or her jurisdiction to educate the public about the hazards of severe weather and how to react to flood, hurricane, thunderstorm and tornado warnings. In summary, the "research and education" role of NOAA should not be separated from the operational role. Many NOAA employees have both roles today, and their dual functions enhance the final product.

Section 105(d) - National Weather Service Functions

There is some minor language in Section 105(d)(1) of H.R. 4546 which, if enacted, may unintentionally result in the diminishment in the services provided by the National Weather Service. One of the proposed functions for the National Weather Service listed in that Section 105 is the maintenance of "a network of regional and local weather forecast offices." While that language seems innocuous, to National Weather Service employees it appears to be a "Trojan horse." There are presently 122 local "Weather Forecast Offices" or "WFOs", whose warning and forecast functions are supported by a number of national centers to which section 105(d)(3) refers. There are no "regional" forecast offices in the NWS - but there are informal proposals by some in the agency to create such regional forecast offices by consolidating the functions of numerous local WFOs, thus creating a two-tier forecast office system. Scientific research has shown that forecasts and warnings are more reliable the closer they are prepared to the geographical area to which they apply. Based on this science, not many years ago the NWS underwent a complete reorganization

which eliminated the pre-existing two tier field office structure, and increased the number of WFOs from 52 to 122. Some in the agency wish to reverse course by again consolidating and eliminating local WFOs. *NWSEO urges that the reference to “regional” weather forecast offices be removed from section 105(d)(1) so that this section is not interpreted as Congressional authorization or approval to consolidate the local WFOs into regional forecasting offices.*

In order to ensure that the public knows that it can rely on the weather warnings, statements and forecasts emanating from the National Weather Service, and to distinguish them from warnings, statements and forecasts issued by other sources, a subsection (f) should be added to Section 105 that would require the NWS to identify itself as the source of the warnings, statements and forecasts it issues. Such language might read:

“The National Weather Service shall be the sole United States official voice for issuing warnings during life-threatening weather situations. All weather warnings, statements and forecasts issued by the National Weather Service shall clearly indicate that they were issued by the National Weather Service and, since the National Weather Service identity is an integral component of the Agency’s mission in the protection of life and property, the Department of Commerce and the National Oceanic and Atmospheric Administration, shall preserve, make permanent and promulgate, as a departmental priority, prominent use of the agency name of _The National Weather Service_ as well as use of the NWS emblem/logo in association with all products and services provided by all National Weather Service field offices, prediction centers and management headquarters throughout the Nation.”

The first sentence of this proposed subsection appears on the NOAA web site and reflects current government policy.

Section 704 - Interagency Planning and Process.

Finally, NWSEO would also like to propose a minor addition to Section 704, “Interagency Planning and Process.” This section requires NOAA to “coordinate and consult with” the NSF, NASA, other Federal agencies and “other appropriate agencies” to develop a five year plan for, *inter alia*, outlining methods for dissemination of weather information to user communities and describing best practices for transferring the results of weather research to forecasting operations. The Committee should include language requiring NOAA to also consult with the labor organization representing NWS employees, who will ultimately be responsible for implementation of this research into day-to-day forecasting operations.

There is ample precedent for specifically including such a requirement in this legislation. Section 707(b)(1)(b) of the Weather Service Modernization Act of 1992 (set forth at 15 USCA 313 note) required the Secretary of Commerce to include on the 12 member Modernization Transition Committee an appointee from “any labor organization certified by the Federal Labor Relations Authority as an exclusive representative of weather service employees.” NWSEO President Ramon Sierra served on that Committee and contributed to the Committee’s success by representing the professional views and opinions of the employees of the NWS who would be most responsible for, and impacted by, the NWS modernization.

Accordingly, the following language should be added at the beginning of line 13 of section 704: “*any labor organization certified by the Federal Labor Relations Authority as an exclusive representative of weather service employees,*”

This concludes my statement, Mr. Chairman. Thank you for the opportunity to present NWSEO’s views on the proposals for a NOAA Organic Act. I would be happy to respond to any questions.